



COUNTY OF SANTA BARBARA

CITIZENS INDEPENDENT REDISTRICTING COMMISSION

PUBLIC MEETING AGENDA **2020 Citizens Independent Redistricting Commission**

Date: **Wednesday, March 17, 2021**
Time: **6:00 PM**
Place: **Remote Virtual Participation Only**

Meeting Access: <https://zoom.us/j/95596763469>

Or iPhone one-tap: +12532158782,,95596763469# or +16699006833,,95596763469#

Or Telephone: +1 253 215 8782 or +1 669 900 6833

Webinar ID: 955 9676 3469

NOTICE REGARDING PUBLIC PARTICIPATION

Based on guidance from the California Department of Public Health and the California Governor's Stay at Home Executive Order N-33-20 issued on March 19, 2020, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19, the Citizens Independent Redistricting Commission meeting will not provide in-person participation at this time.

The following alternative methods of participation are available to the public. If you wish to make a general public comment or to comment on a specific agenda item, the following methods are available:

- Distribution to the Citizens Independent Redistricting Commission – Submit your comment via e-mail prior to 5:00 p.m. one day prior to the meeting. Please submit your comment to redistricting@countyofsb.org. Your comment will be placed in the record and distributed appropriately.
- Participation via Zoom meeting link listed above. See Instructions on next page.
- Participation via telephone by calling in with the phone number and webinar code listed above.

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:
www.countyofsb.org/redistricting.sbc

Language interpretation and requests for disability-related modification or accommodation, including auxiliary aids or devices, may be arranged by emailing a request to redistricting@countyofsb.org at least 24 hours prior to the Commission meeting.

Para solicitar traducción del idioma o una modificación por discapacidad, incluso los soportes auxiliares y los dispositivos, se puede mandar un correo electrónico a redistricting@countyofsb.org al menos 24 horas antes de la reunión de la Comisión.

Instructions for Public Comment in Virtual Public Meetings Under current Public Health Officer Order prohibiting indoor gatherings, the Santa Barbara County Independent Redistricting Commission (CIRC) will conduct virtual public meetings using Zoom. Attendees can participate without a Zoom account.

- Attendees can link via computer or smart device, through the Zoom app (available for IOS and Android), or by cell phone or landline.
- Each meeting agenda will be posted 72 hours in advance at www.countyofsb.org/redistricting.sbc (unless greater notice is required by law) and include the Zoom link, phone numbers and the Webinar I.D. to join electronically or by phone. To participate in Public Comment, please refer to directions below.
- Submit comments via e-mail to redistricting@countyofsb.org prior to 5:00 p.m. on the day preceding the meeting. Your comment will be placed in the record and distributed appropriately.

1. Public Comment Via Computer or iPhone/Android App:

- To indicate that you wish to speak during Public Comment, select “raise your hand” feature and staff will know to call on you. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.
- Smart phone users with the Zoom app can also select the “raise your hand” feature.

2. Public Comment Via Phone:

- Attendees by phone can “raise your hand” by pressing star-9. When it is your turn to speak, we will announce you by caller I.D. or your phone number. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.

For more information about joining a Zoom Webinar, go to <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-meeting>.

Commission Members: Commissioner Cheryl Trosky, First District
Commissioner Karen Twibell, First District
Commissioner William McClintock, Second District, Interim Vice Chair
Commissioner Megan Turley, Second District
Commissioner Norman “Doug” Bradley, Third District
Commissioner James “Chris” Hudley, Third District
Commissioner James Bray, Fourth District
Commissioner Amanda Ochoa, Fourth District
Commissioner Glenn Morris, Fifth District, Interim Chair
Commissioner Jannet Rios, Fifth District
Commissioner Benjamin Olmedo, Member-At-Large

1. Call to Order and Roll Call
2. Introduction of Legal Counsel
3. Disclosure of ex parte communications.
4. Public Comment
The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.
5. Approval of Minutes of March 3, 2021.
6. Planning discussion on Commission outreach efforts
7. Training Topic #3: The decennial Census and other demographic, geographic and socio-economic data used in redistricting
8. Discussion and possible action regarding future training sessions and other future agenda items.

RECESS FOR CLOSED SESSION

9. Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: Two

ADJOURNMENT

Agenda Packet Items:

Item 05 Minutes of March 3, 2021

Item 07 Redistricting Data Presentation

Item 08 Proposed Future Agenda Items

Item 09 Letter from Mark P. Meuser of Dhillon Law Group Inc.

Item 09 Charles H, Bell, Jr. Letter Hispanic Chamber Republican Party



COUNTY OF SANTA BARBARA

CITIZENS INDEPENDENT REDISTRICTING COMMISSION

Summary of Proceedings 2020 Citizens Independent Redistricting Commission

Date: **Wednesday, March 3, 2021**
Time: **6:30 PM – 8:35 PM**
Place: **Remote Virtual Participation Only**

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:
www.countyofsb.org/redistricting.sbc

BOARD ACTION SHOWN IN CAPS

1. Commission Convened

Roll Call

Commissioners Present: Bradley, Bray, Hudley, McClintock, Morris, Ochoa, Olmedo, Rios, Trosky, Turley, Twibell

Commissioners Absent: None

2. Public Comment

The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.

PUBLIC COMMENT:

LINDSEY BAKER, SANTA BARBARA LEAGUE OF WOMEN VOTERS, HEARD REGARDING FAIRNESS, IMPARTIALITY, UNDERREPRESENTED COMMUNITIES, HOLDING PUBLIC MEETINGS BEFORE CENSUS DATA RELEASE, SUGGESTED USE OF ONLINE MAPPING TOOLS, AND OFFERED THE LEAGUE'S COOPERATION IN PUBLIC OUTREACH AND EDUCATION.

LEE HELLER, HEARD IN SUPPORT OF MS. BAKER'S COMMENTS, COMMENTED ON MELINDA BURNS' ARTICLE ABOUT PARTISAN WRANGLING, AND ACKNOWLEDGED THE HARD WORK AHEAD FOR THE COMMISSIONERS.

WRITTEN COMMENT:

DENNIS PAWLOWSKI, WROTE REGARDING DESALINATED WATER (FORWARDED TO THE BOARD OF SUPERVISORS).

COPY OF MARK MEUSER LETTER REGARDING COLAB DEMAND LETTER TO THE BOARD OF SUPERVISORS, CLAIMING HIRING STRUMWASSER & WOOCHEER VIOLATES THE ORDINANCE.

VIJAYA JAMMALAMADAKA, LEAGUE OF WOMEN VOTERS SANTA BARBARA PRESIDENT, WROTE REQUESTING ALL REQUIRED HEARINGS BE HELD AFTER CENSUS DATA IS RELEASED AND ENHANCED OUTREACH (3/2/2021).

VIJAYA JAMMALAMADAKA, LEAGUE OF WOMEN VOTERS SANTA BARBARA PRESIDENT, WROTE NOT TO DELAY OUTREACH BECAUSE THE CENSUS DATA IS DELAYED (3/3/2021).

SUSAN MOORE, WROTE SUPPORTING VIJAYA JAMMALAMADAKA'S EMAIL OF 3/3/2021.

3. Approval of Minutes of February 22, 2021.

MOTION TO APPROVE THE MINUTES OF FEBRUARY 22, 2021.

MOTION CARRIED: 11 AYES

4. Disclosure of ex parte communications.

NO COMMUNICATIONS TO REPORT.

5. Training Topic #1: What is redistricting?

DR. JOHNSON GAVE AN OVERVIEW OF THE IMPORTANCE OF REDISTRICTING, PRESENTED INFORMATION ABOUT THE DIFFERENCE BETWEEN REAPPORTIONMENT, AND REDISTRICTING, AND THE LEVELS OF CALIFORNIA GOVERNMENT REDISTRICT.

KATHAY FENG, COMMON CAUSE NATIONAL REDISTRICTING DIRECTOR, PRESENTED INFORMATION ON THE HISTORY AND CHALLENGES OF REDISTRICTING. SHE MENTIONED THE COMMISSION SHOULD EXPECT LARGE PUBLIC MEETING ATTENDANCE, RECOMMENDED MAKING PARTICIPATION ACCESSIBLE TO EVERYONE, PROMOTING COMMUNITY PARTICIPATION AND COMMENTS, CREATING A TRANSPARENT AND INCLUSIVE PROCESS, AND ALLOW TIME FOR PUBLIC INTERACTION AND COMMENTS ON DRAFT MAPS. BEFORE THE CENSUS DATA IS RELEASED, SHE SUGGESTED THE COMMISSION START TO HOLD PUBLIC HEARINGS

TO ENCOURAGE COMMENTS FROM COMMUNITIES OF INTERESTS, MAP VISUALIZATION, AND BEGIN ANALYSIS ON WHETHER OR NOT THERE ARE THINGS TO CONSIDER FOR VOTING RIGHTS ACT COMPLIANCE. THERE WILL BE ABOUT 1½ MONTHS FROM THE STATE ADJUSTED DATA RELEASE AND VOTE ON THE FINAL MAPS.

COMMISSIONER OLMEDO INQUIRED ABOUT BEST PRACTICES FOR REACHING OUT TO COMMUNITIES OF INTEREST. MS. FENG HAS MATERIALS AND WILL SHARE THE LINK, SUGGESTED COLLABORATING WITH OTHER ORGANIZATIONS, AND USING FREE MAPPING SOFTWARE.

COMMISSIONER BRADLEY ASKED HOW TO FIND COMMUNITY REPRESENTATIVES. MS. FENG SUGGESTED TO START WITH COMMUNITIES NOT OFTEN AT THE TABLE, ASK THOSE LEADERS TO HOST AN EDUCATION WORKSHOP, AND COLLABORATE AND SHARE INFORMATION THAT CAN BE USED IN FUTURE HEARINGS. REACH OUT TO ORGANIZATIONS THAT DID OUTREACH AROUND THE CENSUS, AND UTILIZE HIGH SCHOOL AND LOCAL UNIVERSITY STUDENTS AND TEACHERS AS A RESOURCE.

COMMISSIONER RIOS ASKED ABOUT OUTREACH STRATEGIES DURING COVID. MS. FENG COMMENTED HER ORGANIZATION DEVELOPED A CURRICULUM ON HOW TO EDUCATE/STIMULATE CONVERSATION USING ZOOM AND CAN SHARE THIS WITH THE COMMISSION. SHE ALSO RECOMMENDED REACHING OUT TO COLLEGE TEACHERS AND PROFESSORS WHO MAY HAVE MORE TECH SAVVY AND INNOVATIVE IDEAS.

CHAIR MORRIS ANNOUNCED THAT PUBLIC COMMENT FOR ITEM 5 AND 6 WILL BE HEARD AFTER ITEM 6.

6. Training Topic #2: The roles of commissioners, staff, and the public.

MRS. TILTON PRESENTED INFORMATION ON THE ROLES AND RESPONSIBILITIES OF THE COMMISSIONERS, STAFF, AND THE PUBLIC, ENGAGEMENT, EDUCATION, EMPOWERMENT, AND THE IMPORTANCE OF PARTICIPATION. SHE COMMENTED ABOUT COMMON CAUSE AND MENTIONED THE COMMISSION IS CURRENTLY FOLLOWING SEVERAL OF THEIR GUIDELINES. THE COMMISSION IS:

- OFFERING 14 PUBLIC HEARINGS (THE LEGAL MINIMUM IS 5)
- OFFERING HEARINGS ON DIVERSE DAYS/TIMES
- CREATING STAND ALONE REDISTRICTING HEARINGS
- PROVIDING LIVE STREAMING AND RECORDING OF HEARINGS, AND POSTING ON A DEDICATED WEB PAGE
- INTENT ON HOLDING NUMEROUS WORKSHOPS THROUGHOUT THE COMMUNITY, AND OFFER TECHNICAL SUPPORT TO RESIDENTS

MRS. TILTON PRESENTED INFORMATION ABOUT PARTICIPATION, PROCESS IMPACT, DEFINING NEIGHBORHOOD/COMMUNITIES OF INTEREST, COMMUNITY RELEVANCE, DRAWING MAPS AND SHARING OPINIONS, AND TALKING TO NEIGHBORS AND LOCAL ORGANIZATIONS.

MRS. TILTON INTRODUCED ANGELO ANCHETA AND STEVE LYNN.

MR. ANCHETA COMMENTED ABOUT COMMUNITIES OF INTEREST, THE PROCESS, AND MANAGING PUBLIC EXPECTATIONS AND PRIORITIES.

MR. LYNN COMMENTED ABOUT THE AMOUNT OF TIME THE COMMISSIONERS WILL SPEND TOGETHER THROUGHOUT THE PROCESS. HE RECOMMENDED COMMISSIONERS REFRAIN FROM DRAWING MAPS, AS THERE WILL BE TREMENDOUS INPUT FROM THE PUBLIC, AND COMMENTED ABOUT COMMUNITIES OF INTEREST. HE MENTIONED ALTHOUGH THE MINIMUM REQUIREMENT FOR MAP APPROVAL IS A 7 – 4 VOTE, THE COMMISSIONERS SHOULD TRY TO GET AS CLOSE TO AN 11 – 0 VOTE, AS POSSIBLE.

VICE CHAIR TURLEY ASKED WHAT WERE SOME OF THE UNEXPECTED DIFFICULTIES AND WHAT WOULD HAVE BEEN HELPFUL TO KNOW AHEAD OF TIME. MR. ANCHETA STATED A LOT OF DATA WAS REQUESTED AND RECEIVED, AND THEY DIDN'T ALLOCATE THEIR TIME PROPERLY. THE VOTING RIGHTS ACT ANALYSIS WASN'T COMPLETED, AND THEY RUSHED THE BOARD OF EQUALIZATION INFORMATION, RESULTING IN A "NOT SO GOOD" DRAFT MAP. HE STATED THE COMMISSION SHOULD BE PREPARED TO RECEIVE INFORMATION IN VARIOUS FORMS (HAND DRAWN, COMPUTER GENERATED, ETC.), AND RECOMMENDED MAPPING COMMUNITIES OF INTEREST. MR. LYNN COMMENTED THE COMMISSION SHOULD BE PREPARED TO DEFEND THE COMMUNITIES OF INTEREST CONCEPT, BE ABLE TO IDENTIFY DISTINCT COMMUNITIES OF INTEREST WITHIN THE COUNTY, AND BE COGNIZANT OF WHERE THINGS SHOULD GO AND WHERE THEY SHOULD BE SEPARATED.

COMMISSIONER TROSKY COMMENTED ABOUT DEADLINES THAT STRADDLE SEVERAL HOLIDAYS, AND ASKED ABOUT DRAWING LINES, AND HOW TO ESTABLISH THE LINES. MR. LYNN COMMENTED THE COMMISSION CAN DIRECT THE CONSULTANT TO DRAW A MAP TO MEET A SPECIFIC CRITERIA. DR. JOHNSON MENTIONED THERE ARE SEVERAL MAPPING TOOLS AVAILABLE, AND THE RESIDENTS WILL ALSO USE THE MAPPING TOOLS AND PROVIDE INPUT. MR. ANCHETA COMMENTED ABOUT OUTREACH STRATEGY, AND GETTING NEIGHBORHOOD AND COMMUNITIES OF INTEREST INFORMATION BEFORE THE CENSUS DATA RELEASE.

COMMISSIONER BRADLEY COMMENTED ABOUT DEFINING COMMUNITIES OF INTEREST, ENFORCING THE VOTING RIGHTS ACT, AND ENSURING MINORITIES ARE

NOT MARGINALIZED, DIVIDED OR DISEMPOWERED. HE ASKED ABOUT DEFINING COMMUNITIES OF INTEREST, AND IF THERE IS ANY THREAT OR DANGER OF EXCLUDING INTERESTS OF OTHER GROUPS OR DISTRICTS. MR. LYNN STATED THERE ARE TWO (2) WAYS TO PURPOSELY DEAL WITH MINORITIES IN A NEGATIVE WAY: 1) CRACKING (TAKE A HEAVILY MINORITY DISTRICT, AND DIVIDE IT IN A WAY THAT THE IMPACT IS NOT INFLUENTIAL); AND 2) PACKING (TAKE A MINORITY COMMUNITY OF INTEREST, AND CONCENTRATE IT ONLY IN ONE DISTRICT WITH NO INFLUENCE OF MINORITY VOTING), AND BOTH ARE UNACCEPTABLE. MR. LYNN COMMENTED ABOUT THE VOTING RIGHTS ACT ENFORCEMENT, AND THE CHALLENGES. MS. FENG COMMENTED ABOUT COMMUNITIES OF INTEREST AND DIFFERENT VERSIONS THAT MAY EMERGE, AND TO ENCOURAGE PEOPLE TO HAVE CONVERSATIONS TOGETHER. MR. ANCHETA CAUTIONED THAT SOME OF THE INFORMATION RECEIVED FROM THE PUBLIC WILL BE NEGATIVE.

MR. LYNN GAVE AN EXAMPLE OF SEPARATING TWO GROUP, AND CONFIRMED THAT ECONOMIC CONSIDERATION IS A PART OF COMMUNITIES OF INTEREST.

PUBLIC COMMENT:

REBECA GARCIA, POLICY ADVOCATE, CENTRAL COAST ALLIANCE UNITED FOR A SUSTAINABLE ECONOMY (CAUSE), HEARD REGARDING COLLABORATING AND WORKING WITH THE COMMISSION.

DR. JOHNSON PRESENTED A MAP OF COMMUNITIES OF INTEREST.

7. Presentation and discussion regarding the online form for suggesting community organizations the commission should attempt to engage in the redistricting process.

DR. JOHNSON PRESENTED THE ONLINE FORM FOR SUGGESTING COMMUNITY ORGANIZATIONS, AND MENTIONED NDC IS WORKING WITH THE COUNTY ON THE OUTREACH LIST.

COMMISSIONER TROSKY ASKED ABOUT BEING ABLE TO VIEW THE LIST. DR. JOHNSON STATED THEY ARE WORKING ON MAKING THE LIST EASIER TO ACCESS.

VICE CHAIR TURLEY ASKED WHETHER OR NOT THE LARGER CALIFORNIA STATE REDISTRICTING LINES WILL AFFECT THE COUNTY'S REDISTRICTING LINES. DR. JOHNSON STATED THAT IT WON'T DIRECTLY, PARTLY BECAUSE OF THE STATES DEADLINE IS TWO MONTHS AFTER THE COUNTY'S.

COMMISSIONER OCHOA, COMMENTED THE FORM WOULD BE MORE EFFECTIVE IF THE FORM WOULD POPULATE BEHIND THE SCENE, SO EDITING OTHERS ENTRIES IS NOT POSSIBLE, BUT MAKE IT VIEWABLE. NDC WILL WORK ON THE CHANGES.

8. Presentation and discussion regarding the online form for reporting ex-parte communications.

DR. JOHNSON PRESENTED THE FORM THAT WILL BE EMAILED TO COMMISSIONERS. THE GOOGLE SHEET HAS TABS THAT CONTAIN FIELDS, DATE, TIME, FORMAT, INDIVIDUAL GROUP/PUBLIC EVENT, OUTSIDE PARTY, DESCRIPTION, AND IT WILL BE AVAILABLE FOR PUBLIC VIEW.

CHAIR MORRIS ASKED ABOUT THE REPORTING THRESHOLD. MR. CHURCHWELL STATED THERE IS NO STATE LAW REQUIREMENT. THE ORDINANCE STATES “AT EACH PUBLIC MEETING OF THE COMMISSION, EACH COMMISSION MEMBER SHALL CLEARLY DISCLOSE THE SOURCES AND SUMMARIES OF ANY EX PARTE COMMUNICATION THEY HAVE HAD CONCERNING THE REDISTRICTING PROCESS, AND PRESENTED INFORMATION FROM THE SANTA BARBARA CITY COUNCIL PROCEDURES (2015). CHAIR MORRIS COMMENTED ABOUT PROCEDURAL AND AN ATTEMPT TO INFLUENCE. MR. CHURCHWELL URGED THE COMMISSIONERS TO USE GOOD JUDGEMENT. DR. JOHNSON STATED THAT COMMISSIONERS DON’T HAVE TO DISCLOSE INFORMATION DISCUSSED WITH STAFF OR LEGAL COUNSEL.

9. Discussion and possible action regarding future agenda items.

COMMISSIONER BRAY ASKED IF IS ANYONE GOING TO REPRESENT THE COMMISSION AT THE BOARD OF SUPERVISORS MEETING ON TUESDAY FOR THE LEGAL SERVICES CONTRACT AGENDA ITEM. CHAIR MORRIS STATED HE WILL BE THERE FOR QUESTIONS, AND COMMISSIONERS WHO ARE AVAILABLE ARE WELCOME TO ATTEND. THE MEETING IS TUESDAY, MARCH 9 AT 9 AM. MS. ANDERSON WILL TRY TO GET A SPECIFIC TIME THE ITEM WILL BE HEARD, AND ONCE CONFIRMED, THE INFORMATION WILL BE EMAILED TO COMMISSIONERS.

CHAIR MORRIS INQUIRED ABOUT OUTREACH IN LOW VOTER PARTICIPATION COMMUNITIES. DR. JOHNSON STATED THAT SOME CENSUS DATA INFORMATION, AND INTERACTIVE MAPS WILL BE COVERED AT THE NEXT MEETING.

COMMISSIONER OCHOA ASKED WHAT INFORMATION SHOULD THE COMMISSION GET OUT TO THE PUBLIC, SUGGESTED USING SOMETHING WITH LESS OF A BARRIER, AND TO CONSIDER USING INSTAGRAM AS A PLACE TO DIRECT PEOPLE OTHER THAN THE COUNTY WEBSITE.

COMMISSIONER RIOS SUGGESTED USING FACEBOOK TO SHARE INFORMATION AND BOOST COMMUNITY PARTICIPATION.

10. Discussion and possible action regarding scheduling future meetings.

NEXT MEETING DATE:

- MARCH 17, 2021, AT 6 PM

CHAIR MORRIS EXPRESSED HIS APPRECIATION AND COMMENDED MR. CHURCHWELL FOR HIS GUIDANCE AND SERVICE AS THE COMMISSION'S LEGAL COUNSEL.

ADJOURNMENT – The next meeting is scheduled for Wednesday, March 17, 2021, at 6 p.m.

Agenda Packet Items:

Item 03 Minutes of February 22, 2021

Item 09 Proposed Future Agenda Items

Item 07

Item 07 Redistricting Data Presentation

(to be provided)

UPCOMING AGENDA ITEMS (PROPOSED)
2020 Citizens Independent Redistricting Commission

- Demonstration and discussion of public mapping tools and related budget issues.
- Update on NDC's collection of GIS data and maps from County departments and City governments.
- Review by legal counsel of Santa Barbara County Independent Redistricting Ordinance and Rules (Code Sec. 2-10.9A).
- Review by legal counsel on ex parte disclosures, social media communications, and communications with the press.



Mark P. Meuser
MMeuser@DhillionLaw.com

March 1, 2021

VIA EMAIL

Santa Barbara County Board of Supervisors

Das Williams

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**Re: SANTA BARBARA REDISTRICTING COMMITTEE'S UNAUTHORIZED
HIRING OF ATTORNEY FREDRIC D. WOOCHEER OF STRUMWASSER
& WOOCHEER AS LEGAL COUNSEL IN VIOLATION OF ORDINANCE.**

Dear County Supervisors:

This law firm represents the Coalition of Labor Agriculture and Business ("COLAB") in connection with the Santa Barbara Redistricting Committee's ("SBRC") recent unauthorized approval and hiring of attorney Fredric D. Woocher, Esq ("Attorney Woocher") as independent counsel.

As you know, in the November 2018 Statewide General Election, Santa Barbara County voters approved Measure G, which formed an 11-member independent redistricting commission¹ to establish the electoral district boundaries in Santa Barbara County for the upcoming decade. During a recent Citizens Independent Redistricting Commission that remotely took place on

¹ Cheryl Trosky, Karen Twibell, William McClintock, Megan Turley, Norman Bradley, James Chris Hudley, James H. Bray, Amanda Ochoa, Glenn Morris, Janet Rios and Benjamin Olmedo.

February 3, 2021, the SBRC approved a final contract and recommended Attorney Woocher and his law firm, Strumwasser & Woocher, be approved as independent counsel. However, the SBRC's approval and appointment of Attorney Woocher and his law firm as legal counsel violates Sections 2-10.9A(4)(d)(1-6)(C) and 2-10.9A(5)(d)(1) of the Citizens Independent Redistricting Commission Ordinance ("Redistricting Ordinance") as codified. As such, COLAB objects to this appointment and will not hesitate to file suit and seek an injunction if Attorney Woocher and his firm are not immediately disqualified and released from their contract with SBRC as its legal counsel.

The Redistricting Ordinance imposes direct limitations on what firms or individuals may be hired as legal counsel or other consultants. Specifically, Section 2-10.9A(5)(d) of the Redistricting Ordinance provides:

- (5)(d)(1) The commission shall not retain a consultant who would not be qualified as an applicant pursuant to subsection (4)(d).
- (2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

The grounds for disqualification of commissioners, and therefore also grounds for disqualification of counsel under Section 2-10.9A(4)(d), include certain restrictions. Pursuant to subsection 2-10.9A(4)(d), commissioners, their counsel, and consultants must meet the following criteria:

- 4(d)(1) Be a resident of the County of Santa Barbara
- 4(d)(2) Be a voter registered in Santa Barbara County
- 4(d)(4) Have voted in Santa Barbara County in at least one of the last three statewide elections immediately preceding his or her application to be a member of the commission.
- 4(d)(6)(C) No commissioner or immediate family member may, within the last eight years preceding appointment to the commission, ... had a significant influence on the actions or decisions of a political committee required to register with the California Secretary of State, which expended funds in excess of five hundred dollars in support or opposition to a candidate for any elective office of the County of Santa Barbara, including member communications.

Thus, the SBRC may not engage any consultant, including legal counsel, who has served on any political committee for an elected County official in the past 8 years. It should be noted that the disqualification provisions are very broad and intentionally so. They are intended to prevent not only the appointment of Commissioners or consultants who are actually partisan and biased (such as Attorney Woocher), but also those who might merely appear to be biased by reason of their past political activities or associations.

In this case, Attorney Woocher is conflicted out under the Redistricting Ordinance by virtue of his past representation of Doreen Farr who served on the County Board of Supervisors between 2009 - 2016. In 2012 and 2013, Attorney Woocher was involved in litigation for Supervisor Farr that went all the way to the United State Supreme Court, where the Petition was

denied on June 10, 2013. Attorney Woocher was active in this case and he filed a brief with the Court on May 6, 2013. May 6, 2013 is within 8 years of the February 3, 2021 appointment. This appointment of Attorney Woocher is a direct violation of Section 2-10.9A(5)(d).

Furthermore, in order for Attorney Woocher to be a consultant for the redistricting process, he would have to live in Santa Barbara, be registered to vote in Santa Barbara, and have voted in Santa Barbara in one of the last three general elections (*See* Sec. 2-10.9A(4)(d)(1-2, 4). Attorney Woocher resides in Los Angeles County, is registered to vote in Los Angeles County and he votes in that County.

It is our understanding that the Board of Supervisors intends to approve this contract at the committee meeting scheduled for March 9, 2021. If the Board of Supervisors does not notify us by March 4, 2021, that they no longer intend to approve the redistricting Commissions choice of Attorney Woocher, COLAB has authorized my firm to file an immediate injunction prohibiting this retention

Regards,

Mark P. Meuser

CC: Steve Churchwell, Esq. steve@churchwellwhite.com
(Counsel for Redistricting Commission)

Glenn Morris glenn@santamaria.com
(Santa Barbara Redistricting Commission Chair)

Michael Ghizzoni, Esq. Mghizzoni@co.santa-barbara.ca.us
(Santa Barbara County Counsel)

Mona Miyasato mmiyasato@countyofsb.org
(Santa Barbara County Executive Office)



CALIFORNIA
HISPANIC
CHAMBERS OF COMMERCE



December 18, 2020

BY OVERNIGHT MAIL:

Mr. Glenn Morris, Chairman
& Commissioners
Santa Barbara County Citizens Independent Redistricting Commission
P.O. Box 61510
Santa Barbara CA 93160-1510

BY EXPRESS DELIVERY:

Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

Re: **Appointment of Final Six Commissioners – Decision of December 13, 2020**

Dear Chairman Morris and Commissioners:

This joint letter is submitted to you by the undersigned on behalf of the California Hispanic Chambers of Commerce and the Santa Barbara County Republican Party, concerning your decision on December 13, 2020 to choose the final six commissioners for the Santa Barbara County Citizens Independent Redistricting Commission under the provisions of the Commission's legal charter, Santa Barbara County Ordinance No. 5051, § 1.

Demand

On behalf of our two organizations, we demand that the commissioners immediately (a) rescind the December 13, 2020 decision selecting the final six commissioners, and (b) select new commissioners in accordance with the requirements of Sec. 2-10.9A (4)(h)(3) of the Ordinance, for the reasons set forth below.

The Ordinance's Applicable Diversity Requirements

Sec. 2-10.9A (4)(h)(3) of the Ordinance, adopted in accordance with Calif. Elec. Code § 23002(b) [county independent redistricting authorization and requirements allowing counties to

prescribe additional requirements for the manner of selecting commission members], provides that in selecting the final six commissioners:

- (a) “[they] *shall be chosen ... to ensure* that the commission reflects the county’s diversity, including racial, ethnic, geographic, age and gender diversity” without specific “formulas or ratios,” and,
- (b) “[t]he ... commissioners *shall also consider* political party preference ... *so that* the political party preferences of the members of the commission, as shown on the members’ most recent affidavits of registration, *shall be as proportional as possible* to the percentage of voters who are registered with each political party in the County of Santa Barbara” without requirement that the members “be exactly the same as the proportion of the political party preferences among registered voters of the county.”

Thus, the Ordinance’s provisions clearly mandate that the composition process *in toto* (i.e., all member selections) must ensure that the Citizens Independent Redistricting Commission be structured reasonably to reflect both Santa Barbara County’s ethnic diversity and political diversity, without relying solely on quotas or formulas. However, eschewing quotas or formulas, the clear intent (“ensure” the Commission “reflect” such [ethnic] diversity and “shall be proportional as possible” [political diversity]) is to achieve diversity in both these elements of the Commission’s composition.

These diversity provisions are nearly identical to those in statutes adopted by the Legislature in the last few years, two of which involved Los Angeles and San Diego County independent redistricting commission commissioner diversity standards. See Elec. Code § 21550(c)[San Diego Independent Redistricting Commission authorization – proportional as possible political representation requirement]; and Elec. Code § 21532(b) and (c) [Los Angeles County Independent Redistricting Commission authorization – reflect diversity and proportional as possible political representation requirements]).

The Commission Has Failed to Comply with the Ordinance

The final six selection process clearly failed in both areas of diversity. Of the 11 commissioners, only two are Latino (18.18% of the Commission vs. 39.4% of county population) and only one is Republican (9.09% of the Commission vs. 25.3% of county population). Proportionality of Latinos to county population would result in at least 2 additional Latinos. Proportionality of Republicans to county registration voter percentages would result in at least 1-2 additional Republicans. Moreover, indisputably it was “possible” for the commissioners to achieve substantially proportional diversity in both Latino and Republican appointments overall, from the available pool of remaining Latinos and Republicans, which included 6 Latinos and 13 Republicans.

This information was well known to the first five commissioners and was actively discussed by public commenters as well as commissioners prior to and at the Commission’s December 13, 2020 meeting. Indeed, the Commission’s record included a November 9, 2020

Memorandum from Doug Johnson, of National Demographics Corporation, its demographic consultant, offered to support the commission's determination.

Reconsideration and Re-Selection Is Required to Protect the Process
from Legal Challenge

We believe that the Commission's compliance with these demands is legally necessary to avoid litigation over the composition of the Commission and perhaps ultimately its redistricting work product. Failure to do so could subject the Commission's final maps to legal challenge for this abuse of discretion. We say this with no disrespect either to the six December 13, 2020 appointees or to the initial five members selected by random name draw.

Further, there is still sufficient time to correct the problem before the Commission will be required to begin its active work upon receipt of the U.S. Census population data by the end of the first quarter of 2021, if action is taken immediately.

Finally, the requirement that the Commission be formed no later than December 31, 2020 does not impose a hard time limit upon the correction of the problem we bring to your attention. The Commission has been formed and is legally able to act, including completion of its mandate set forth in Ordinance No. 5051 to achieve substantial ethnic and political diversity.

Please advise us not later than December 28, 2020 of your attention to these demands.

Very truly yours,



Julian Canete, President and CEO
California Hispanic Chambers of Commerce

Bobbi McGinnis

Bobbi McGinnis, Chair
Santa Barbara County Republican Party

cc: Steven C. Churchwell, Esq., Commission Counsel (by email)
Michael Ghizzoni, County Counsel (by email)
Douglas Johnson, Commission Demographer (by email)
Nancy Anderson, Assistant County Executive Office (by email)